

Remarks

The Applicants previously filed a declaration under 37 CFR 1.131, relying on conception prior to the effective date of the Bolosky reference, followed by diligence until the US filing date. The Examiner stated that the declaration as filed on 06-07-05 was ineffective to overcome the Bolosky reference. In particular, the Examiner stated that diligence must be shown between March 21, 2001 and June 22 2001.

A conference call was had with Examiner Abyaneh, in which it was explained that between March 21, 2001 and June 22 2001 the invention was placed in a queue to be reviewed by one of Motorola's Patent Committees. This is a typical time period to be in a queue since Motorola typically reviews over 3000 patent disclosures per year, and typically reviews cases in a first-in-first-out manner. It was agreed upon that a 1.131 declaration stating this fact would overcome the Examiners objections to the declaration. Such a declaration is being submitted with this response.

All claims have been cancelled with this response, with new claims 26-29 being added.

As stated in the Background of the Invention, a major shortcoming of prior-art approaches to digital rights management is that these approaches require that a hash of the entire content be calculated before the digital object can be rendered. This can be prohibitively time consuming. As stated, the size of many digital objects, such as digital movies and songs, can be quite large. Consider, for example, that the estimated time to compute the SHA1 hash of a typical MP3 song, when using a 16 MHz MCore processor, is 15 to 20 seconds. A user of a content rendering device, such as a CD or DVD player, however, expects rendering to begin almost immediately upon selecting one or more digital objects. In order to address this issue, the Applicants' invention provides for the digital content to be broken into "chunks" of content, with each chunk being hashed separately. The chunks of digital content will be rendered while the subsequent chunks are authenticated. If a chunk of content fails to be authenticated, the rendering will stop.

All claims have been amended to include the fact that digital content is obtained as a plurality of chunks, where each chunk of the digital content is separately hashed. Each chunk is separately authenticated and rendered, with continual authentication and rendering of subsequent chunks as long as each chunk is successfully authenticated.

Analysis of all prior art cited by the Examiner reveals that the prior art authenticates all chunks prior to rendering the digital content. Particularly, Chan and

Hannah will not execute any chunk of the digital content if any one chunk fails to be successfully authenticated. This is in contrast to the Applicants' claimed invention where chunks of the digital content will be rendered until one chunk fails to be authenticated.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. As the Applicant has overcome all substantive rejections given by the Examiner the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's rejections to the pending claims. Therefore, the Applicant respectfully requests allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Finally, please charge any fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117.

Respectfully Submitted,  
Messerges, ET AL.

by: 

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